



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty **LeVan, Nancy J., sole practitioner (Petitioner)****Petition for Discharge Without Administration**

<b>DOD: 4/2/2003</b>		<b>NANCY J. LEVAN</b> , Attorney of Record for Administrator <b>JESSE HERNANDEZ</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>JESSE HERNANDEZ</b> , son, was appointed Administrator on 7/1/2003 with Full IAEA and bond of <b>\$10,000.00</b> . Proof of Bond was filed 7/11/2003.	1. Need proposed order pursuant to Local Rule 7.1.1 (F) providing that a proposed order shall be submitted with all pleadings that request relief.
<b>Cont. from</b>		<b>Petitioner states:</b>	<b>Note:</b> Probate Code § 12251 provides:
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<ul style="list-style-type: none"> <li>A formal Creditor's Claim was filed on 10/6/2003 by the Department of Health Services in the amount of <b>\$28,406.81</b>;</li> <li>When Petitioner filed his <i>Petition for Letters of Administration</i>, he believed that there would be significant possessions of his father in the possession of his father's live-in girlfriend;</li> <li>That is not the case, and the only item the Petitioner was able to recover was his father's ashes;</li> <li>The live-in girlfriend has disposed of all other possessions and the cost to litigate these matters is more than the items were worth; the value is estimated at less than <b>\$2,000.00</b>;</li> <li>Accordingly, while the creditor's claim on the estate has been made, there is no cash or property out of which it may be paid, and the Administrator should now be discharged, as no administration is necessary;</li> <li>Attorney LeVan has been unable to locate the Administrator, Jesse Hernandez, despite efforts to locate him by phone and by letter; Attorney LeVan is unaware of the location of the Administrator;</li> <li>Communication with the Administrator ceased in the year 2007 (<i>please refer to letter to Department of Health Services dated 6/29/2007, Exhibit A filed 1/10/2014</i>).</li> </ul>	(a) At any time after appointment of a personal representative and whether or not letters have been issued, if it appears there is no property of any kind belonging to the estate and subject to administration, the personal representative may petition for the termination of further proceedings and for discharge of the personal representative. The petition shall state the facts required by this subdivision.
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		(b) Notice of the hearing on the petition shall be given as provided in Section 1220 to all interested persons.
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		(c) If it appears to the satisfaction of the court on the hearing that the facts stated in the petition are true, the court shall make an order terminating the proceeding and discharging the personal representative.
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>	W/	
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	071103	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<input type="checkbox"/>			
<b>Petitioner prays for an Order discharging Jesse Hernandez as Administrator on the basis that the Decedent died leaving no property subject to administration.</b>			<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 1/29/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 1 – Hernandez</b>

Atty LeVan, Nancy J. (for Petitioner Felipe Leal)

## (1) Report and Final Account of Administrator, Petition for Reimbursement to Administrator for Costs Advanced and (2) Attorneys Compensation and (3) for Final Distribution

			<b>FELIPE LEAL</b> , Administrator with Will Annexed, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 1/7/14. As of 1/30/14 the following issues remain:</b>  1. Department of Health Services was sent notice of the proceedings on 9/16/2013. Petition states the Department of Health Services was not going to file a claim. However, on 12/11/13 a Creditor's Claim from the Department of Health Services was filed in the amount of \$32,818.85. The Creditor's Claim must be addressed before any distribution can be made.  2. The initial petition and the Petition for Final Distribution were both filed using a fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of any assts. <b>Therefore filing fees totaling \$755.00 are now due</b> (\$320.00 for the initial petition and \$435.00 for the Petition for Final Distribution).	
			Account period: 9/19/06 – 8/31/13		
<b>Cont. from 110613, 010714</b>			Accounting - <b>\$145,000.00</b>		
<b>Aff.Sub.Wit.</b>			Beginning POH - <b>\$145,000.00</b>		
✓	<b>Verified</b>		Ending POH - <b>\$145,000.00</b>		
✓	<b>Inventory</b>		Administrator - <b>waives</b>		
✓	<b>PTC</b>		Administrator Costs - <b>\$11,730.38</b> (homeowners insurance, recorder, publication, probate referee, bills of the decedent.)		
✓	<b>Not.Cred.</b>		Attorney - <b>waives</b>		
✓	<b>Notice of Hrg</b>		<b>Distribution, pursuant to intestate succession [sole heir to the will predeceased decedent without issue] is to:</b>		
✓	<b>Aff.Mail</b>	W/	<b>Helen Littlefield (daughter) - 50%</b> interest in real property.		
	<b>Aff.Pub.</b>		<b>Christina Avila (daughter) - 50%</b> interest in real property.		
✓	<b>Sp.Ntc.</b>	W/			
	<b>Pers.Serv.</b>				
	<b>Conf. Screen</b>				
✓	<b>Letters</b>	9/26/06			
	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
	<b>CI Report</b>				
✓	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
	<b>Citation</b>				
✓	<b>FTB Notice</b>				
					<b>Reviewed by: KT</b>
					<b>Reviewed on: 1/30/14</b>
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 2 – Cano</b>	

**(1) Report and Final Account of Administrator, (2) Petition for Reimbursement to Administrator for Costs Advanced and (3) Attorney's Compensation and (4) for Final Distribution**

<b>DOD: 4/5/2000</b>		<b>DANIEL DIAZ</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 1/7/2014. As of 1/30/14 the following issue remains:</b>  1. Petition request distribution of 1/5 interest in the estate to the decedent's grandson, Joseph Diaz, son of James Diaz. At the time the estate was opened in 2006 James Diaz, son, was alive and therefore his share of the estate must be distributed to him or his estate and not to his son, Joseph Diaz. - Declaration under Probate Code §13100 re: transfer of personal property filed on 1/28/14. A declaration under Probate Code §13100 <b><u>can only be used for personal property.</u></b> The petition requests that Joseph receive his father's share of the real property. <b>Therefore a declaration under Probate Code §13100 cannot be used in this situation.</b> (In addition the declaration is not notarized as required.)
		Account period: 10/24/06 – 8/31/13	
<b>Cont. from 102213, 111913, 010714</b>		Accounting - <b>\$23,000.00</b> Beginning POH - <b>\$23,000.00</b> Ending POH - <b>\$23,000.00</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney (statutory) - <b>\$920.00</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Costs - <b>\$1,065.00</b> (filing fees, publication, probate referee, certified copies)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b> 10/24/06	<b>Distribution, pursuant to intestate succession, is to:</b>  Virginia Macias, Daniel Diaz, Rachael Garcia, Patricia Contreras and Joseph Diaz, 1/5/ interest each in real property.	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b> <b>Reviewed on: 1/30/14</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 3 – Diaz</b>

## (1) First and Final Account and Report of Executor and (2) Petition for Final Settlement and Distribution Accounting Waived (PC 10800, 10810, 10831, 10900, 10951, 11640)

<b>DOD: 10/24/10</b>		<b>JOE YAMASHIRO</b> , Executor is petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		Account period: ???		<ol style="list-style-type: none"> <li>The petition does not include the accounting, i.e. summary of account, receipt schedule, disbursement schedule, etc.</li> <li>Petition does not specifically state the property to be received by each beneficiary after payment of attorney fees and costs.</li> <li>Petition does not contain a statement regarding Probate Code §216 and 9202(a) re: notice to the Director of Health Care Services.</li> <li>Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board.</li> <li>Costs include \$9.76 for postage. Local Rule 7.17 states the court considers postage to be a cost of doing business and therefore not reimbursable.</li> <li>Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</li> </ol>	
		Accounting - ????			
		Beginning POH - \$496,963.24			
		Ending POH - ????			
<b>Cont. from</b>		Executor - waives			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney (statutory) - \$12,939.26			
<input checked="" type="checkbox"/>	<b>Verified</b>	Costs - \$1,060.26 (filing fee, probate referee, publication, recorder, certified copies and postage)			
<input checked="" type="checkbox"/>	<b>Inventory</b>	<b>Distribution, pursuant to decedent's will, is to:</b>			
<input checked="" type="checkbox"/>	<b>PTC</b>	Joe Yamashiro - 1/3			
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Nobuko Nobu Sekishiro- 1/3			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Geor Yamashiro - 1/3			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/			
<input type="checkbox"/>	<b>Aff.Pub.</b>				
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>				
<input type="checkbox"/>	<b>Pers.Serv.</b>				
<input type="checkbox"/>	<b>Conf. Screen</b>				
<input checked="" type="checkbox"/>	<b>Letters</b>	4/4/11			
<input type="checkbox"/>	<b>Duties/Supp</b>				
<input type="checkbox"/>	<b>Objections</b>				
<input type="checkbox"/>	<b>Video Receipt</b>				
<input type="checkbox"/>	<b>CI Report</b>				
<input type="checkbox"/>	<b>9202</b>	X			
<input type="checkbox"/>	<b>Order</b>	X			
<input type="checkbox"/>	<b>Aff. Posting</b>				
<input type="checkbox"/>	<b>Status Rpt</b>				
<input type="checkbox"/>	<b>UCCJEA</b>				
<input type="checkbox"/>	<b>Citation</b>				
<input checked="" type="checkbox"/>	<b>FTB Notice</b>				

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 1/30/14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 4 – Yamashiro</b>

**Amended and Final Account and Report of Administration and Petition for Its Settlement, for Allowance of Compensation to Administrator and Attorney for Ordinary and Extraordinary Services, and for Final Distribution**

<b>DOD: 08/19/92</b>			<b>ALAN CADE, JR.</b> , Administrator, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Affidavits under Probate Code § 13101 from: a. Alan Cade, Jr. b. Karen L. Cade-Brisco c. Michael Cade d. Rick Cade e. Linda Putica f. Steve Cade  2. Need Order.
			Accounting period: <b>09/07/12 – 12/19/13</b>		
<b>Cont. from</b>			Accounting - <b>\$37,818.36</b>		
	<b>Aff.Sub.Wit.</b>		Beginning POH - <b>\$37,818.36</b>		
✓	<b>Verified</b>		Ending POH - <b>\$24,712.53</b> (all cash)		
✓	<b>Inventory</b>		Administrator - <b>\$1,172.73</b>		
✓	<b>PTC</b>		(statutory)		
✓	<b>Not.Cred.</b>		Administrator x/o - <b>\$2,000.00</b> (for sale of real property and labor provided in maintaining the real property)		
✓	<b>Notice of Hrg</b>		Attorney - <b>\$1,172.73</b>		
✓	<b>Aff.Mail</b>	w/o	(statutory)		
	<b>Aff.Pub.</b>		Attorney x/o - <b>\$1,000.00</b> (per Local Rule for sale of real property)		
	<b>Sp.Ntc.</b>		<b>Distribution, pursuant to intestate succession, is to:</b>		
	<b>Pers.Serv.</b>		James Cade - \$3,873.41		
	<b>Conf. Screen</b>		Roberta Cade - \$3,843.41		
	<b>Letters</b>	09/07/12	Alan Cade, Jr. - \$1,936.71		
	<b>Duties/Supp</b>		Karen L. Cade-Brisco - \$1,936.71		
	<b>Objections</b>		Michael Cade - \$1,936.71		
	<b>Video Receipt</b>		Rick Cade - \$1,291.14		
	<b>CI Report</b>		Linda Putica - \$1,291.14		
✓	<b>9202</b>		Steve Cade - \$1,291.14		
	<b>Order</b>	x	Estate of Raymond Cade - \$1,936.71		
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
	<b>Citation</b>				
✓	<b>FTB Notice</b>				
			<b>Reviewed by:</b> JF		
			<b>Reviewed on:</b> 01/30/14		
			<b>Updates:</b>		
			<b>Recommendation:</b>		
			<b>File 5 – Cade</b>		

**7A John Areias Jr. Trust Share of the  
Mary Luis Areias Living Trust, udt 5/26/92**

**Case No. 13CEPR00967**

**Atty Pedersen, Kris B. (for Petitioners Betty Martin and John L. Areias, III)  
Atty Nahigian, Eliot S. (for Respondent/Objector John Areias, Jr., Trustee)**

**Verified Petition for Breach of Trust, Removal of Trustee and Appointment of  
Successor Co-Trustee**

<b>Mary Luis Areias</b> <b>DOD: 3-4-93</b>		<b>BETTY MARTIN and JOHN L. AREIAS, III, are</b> Petitioners.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  <u>Continued from 12-31-13</u>  <b>1. Petitioners state they are entitled to accounting as remainder beneficiaries. However, pursuant to Probate Code §16062(a), the trustee is required to account to a beneficiary to whom income or principal is required or authorized in the trustee's discretion to be <u>currently distributed</u>. Need clarification, authority.</b>
<b>Cont. from 123113</b>		<b>Petitioners state Respondent JOHN AREIAS, JR.,</b> is the Successor Trustee and income beneficiary of the <b>JOHN AREIAS JR. TRUST SHARE</b> . Petitioners are the daughter and son of <b>JOHN AREIAS, JR.,</b> and are remainder beneficiaries with standing to bring this petition, and are also named successor trustees of the <b>JOHN AREIAS JR. TRUST SHARE</b> .	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<b>Petitioners state Respondents DOES 1-10</b> are presently unknown. It is believed they are co-conspirators with John Areias, Jr., and as such are equally liable for the wrongdoing alleged herein. Petitioners state all respondents are responsibility for the conduct of the other respondents because of the conspiracy or because they are agents, joint venturers, or representatives of one another.	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>	Petitioners state John Areias, Jr., was previously represented by the Dias Law Firm, but have been informed that he is no longer represented by counsel. Petitioners were previously provided with an accounting of the John Areias, Jr., Trust Share for the calendar year 2011, at which time the property on hand consisted of \$450,211.49 cash held at Wells Fargo Bank xxx9026, and a promissory note and deed of trust in the amount of \$900,000.00.	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	Petitioners state that on 4-5-12, John Areias, Jr., executed a Special Power of Attorney designating his wife, Patricia A. Areias, as the attorney-in-fact for the trust's Wells Fargo bank account (attached).	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Petitioners state their attorney sent a letter on 4-23-13 requesting an accounting for the calendar year 2012; however, in response, were provided only partial pages of bank statements. Significantly, the Wells Fargo bank account reflected a deposit of only \$147,659.04 as of January 26, 2012 (Exhibit F).	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>	<b>SEE ADDITIONAL PAGES</b>	
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**Reviewed by:** skc

**Reviewed on:** 1-30-14

**Updates:**

**Recommendation:**

**File 7A - Areias**

**7A**

**Page 2**

On 6-3-13, Petitioners' attorney sent another letter requesting additional information and documentation, and an explanation for the unaccounted for discrepancy of \$305,552.45. In response, Petitioner's attorney received various hand-written notes on bank statements, copies of summaries of deposits, a ledger, further bank statements and copies of cashier's checks, WF transactions records, and copies of correspondence with prior counsel re 2011 tax returns and client account ledgers.

On 8-15-13, in a further good faith attempt to obtain clarification of the accounting, the attorney sent another letter. On or about 8-26-13, Pat Areias personally delivered additional documents, which included typed and handwritten notations by Pat Areias and withdrawal slips signed by Pat Areias. These did not explain the discrepancy.

Petitioners state the accounting records provided do not comply with the presentation and statements required under Probate Code §16063. Further, as successor trustee, John Areias, Jr., has duties concerning the John Areias, Jr., Trust Share, including a duty not to delegate to another person the performance of acts that he is required to personally perform and a duty not to transfer the office of trustee to another person. This is specifically prohibited under Probate Code §16012.

Petitioners believe John Areias, Jr., has improperly delegated his duties as successor trustee to his wife Pat Areias and that she is acting under a POA for the trust bank account and has been performing all other actions that he is required to personally perform, including providing information about the trust and accountings. Pat Areias has no special training, skills, expertise or experience to qualify as an agent, attorney, accountant, or other fiduciary professional upon which a trustee could or should rely.

Petitioners therefore believe that John Areias, Jr., should be removed as successor trustee because he has violated the duty owed to Petitioners as ultimate beneficiaries of the trust share. John Areias, Jr., has failed to act with care, skill, prudence, and diligence required of a trustee, including failure to communicate, response to reasonable inquiries, provide accounting, or explanation of the discrepancy.

The trust agreement names Petitioners as successor co-trustees of the John Areias, Jr. Trust Share, and Petitioners are available, able and willing to serve as successor co-trustees.

**Petitioners request that:**

- 1. The Court remove John Areias, Jr., as Successor Trustee of the John Areias, Jr. Trust Share of the Mary Luis Areias Living Trust;**
- 2. The Court appoint Betty Martin and John L. Areias, III as Successor Co-Trustees of the John Areias, Jr. Trust Share of the Mary Luis Areias Living Trust;**
- 3. The Court order John Areias, Jr., to provide an accounting to Petitioners detailing the discrepancy between the Trust Share cash assets existing as of December 31, 2011 and existing on January 26, 2012;**
- 4. The Court order John Areias, Jr., to turn over all accounting records for the Trust assets to Petitioners as Successor Co-Trustees; and**
- 5. The Court order any other and further relief the Court deems just and proper.**

**SEE ADDITIONAL PAGES**



**Page 3**

**Response and Objection to Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees filed 12-26-13 by John Areias, Jr., states** Petitioners are his daughter and son, with standing to bring this petition, are named successor trustees if he is unable to serve, and he has two other children who are also remainder beneficiaries. Respondent states the Trust Share was funded with a fractional interest in one parcel of property which was sold in 2011, resulting in the Trust Share receiving cash and an interest in a promissory note and deed of trust. Respondent states that although the 2011 accounting identifies cash assets held in an account at Wells Fargo, they were actually held in a trust account with the Dias Law Firm. Respondent admits that he executed a Special Power of Attorney designating his wife as his attorney in fact for the Trust Share's Wells Fargo Bank Account.

The response both admits and denies various statements in the petition. See pleadings for details. Respondent provides five affirmative defences:

- 1) Statute of limitations. Petition barred by Probate Code §§ 16460 and 16461.
- 2) Waiver. Petitioners have waived any claims they may have against Respondent with reference to the subject matter of the petition.
- 3) No damages. Petitioners' claims are barred because they have suffered no damages as a result of the alleged conduct.
- 4) Laches. Respondent is informed and believes that the petition is barred by the Doctrine of Laches.
- 5) Unknown Defense. Respondent has insufficient knowledge and information as to whether he may have additional as yet unidentified defenses available and reserves the right to assert additional defenses if appropriate.

Respondent prays that the court dismiss Petitioners' prayers for relief and that Petitioners take nothing by way of the petition; for Respondent's costs incurred herein, and for such other and further orders that the Court may deem proper.

**7B John Areias Jr. Trust**

Case No. 13CEPR00967

Atty Pedersen, Kris B. (for Petitioners Betty Martin and John L. Areias, III)  
Atty Nahigian, Eliot S. (for Respondent/Objector John Areias, Jr., Trustee)

**Status Hearing**

<b>Mary Luis Areias</b> <b>DOD: 3-4-93</b>	<b>BETTY MARTIN and JOHN L. AREIAS, III,</b> filed a Verified Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees on 11-4-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>JOHN AREIAS, JR.,</b> filed Response and Objection to Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees on 12-26-13.	
<input type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	At hearing on 12-31-13, the matter was continued to 1-30-14 (See Page 7A) and the Court also set this status hearing.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 1-30-14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 7B – Areias</b>

7B

Petition for Probate of Will and for Letters Testamentary; Authorization to  
Administer Under IAEA (Prob. C. 8002, 10450)

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		<b>CONTINUED TO 02/19/14</b> <b>Per request of Counsel</b>
		Reviewed by:
		Reviewed on: 01/29/14
		Updates:
		Recommendation:
		File 8 – Harold

Atty Amador, Catherine A. (for John Perekhoduk – brother/Petitioner)

Atty Boyett, Deborah K. (Court Appointed for proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.  
1820, 1821, 2680-2682)

Age: 84		<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>JOHN PEREHODUK</b>, brother, is Petitioner and requests appointment as Conservator of the Person with Medical Consent and Dementia Powers to administer dementia medications and for placement in a secured perimeter facility; and for appointment as Conservator of the Estate with bond fixed at \$20,750.00. Petitioner also requests the §2590 power to enter into a reverse mortgage on the property jointly owned by he, his wife and the proposed conservatee.</p> <p><b>Estimated Value of the Estate</b>            Personal property - \$ 2,500.00            Annual income - 12,000.00            Real property - 60,000.00</p> <p>Voting rights affected.</p> <p><b>Petitioner states</b> that the proposed conservatee has lived with him and his wife for the past 20 years in a home owned by the three of them as joint tenants. The proposed conservatee never married and did not have any children. The proposed conservatee was diagnosed with Parkinson's Disease in September 2012 and suffered a serious heart attack around that time. She has had to live in a skilled nursing facility since being released from the hospital and her dementia has advanced steadily.</p> <p><b>Court Investigator Charlotte Bien filed a report on 01/15/14.</b></p>		<p><b>Court Investigator advised rights on 01/10/14.</b></p> <p><b>Voting rights affected, need minute order.</b></p> <ol style="list-style-type: none"> <li>1. Need proof of <b>personal service</b> at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Probate Conservator</i> on the proposed conservatee. <b>Note:</b> Proof of service by mail was filed 01/16/14 indicating that a copy of the Petition (without the Notice of Hearing) was mailed to the proposed conservatee on 01/15/14; however service by mail is insufficient. Need proof of <u>personal service</u>. It is noted that the Citation was personally served on the proposed conservatee.</li> <li>2. Need receipt for viewing of conservatorship video.</li> </ol> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 02/28/14 at 9:00a.m. in Dept. 303</b> for the filing of the bond;</li> <li>• <b>Friday, 06/27/14 at 9:00a.m. in Dept. 303</b> for filing of the Inventory &amp; Appraisal; and</li> <li>• <b>Friday, 03/27/15 at 9:00a.m. in Dept. 303</b> for the filing of the first account.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>	
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail			w/	
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt	x			
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
✓	Citation				
	FTB Notice				

**Status Hearing Re: Establishment of Guardianship in Nevada**

		<b>ADRIANNE MOUTON</b> , Maternal Aunt is Guardian.  Guardian's Petition to Fix Residence Outside the State of California was granted on 7-18-13.  The Court set this Status Hearing Re: Establishment of Guardianship in Nevada.  On 9-17-13, Petitioner filed a declaration with an attached copy of a petition for guardianship filed 8-12-13 in Clark County, Nevada. The document indicates a court date of 9-12-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 11-19-13, 12-31-13</u> There were no appearances at the last two status hearings. Minute Orders were mailed to Ms. Mouton.  As of 12-19-13, nothing further has been filed.  1. Petitioner provided documentation that a guardianship petition was filed in Clark County, NV; however, it is not known whether guardianship has been granted and established there yet.  Has the guardianship been established in Clark County, NV? What was the outcome of the hearing on 9-12-13?  <u>Note:</u> Upon proof that guardianship has been established in Clark County, NV, the Court will terminate this guardianship in Fresno.
<b>Cont. from 111913, 123113</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc <b>Reviewed on:</b> 1-30-14 <b>Updates:</b> <b>Recommendation:</b> <b>File 12 – Collins</b>

Age: 7		ANGELICA AGUNDEZ, paternal grandmother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:  <u>CONTINUED FROM 12/03/13</u> Minute Order from 12/03/13 states: Also present in the courtroom are Janette Ramirez and Ms. Arias. The Court orders the parties to participate in mediation today at 10:30 am.  Probate Mediation Agreement signed by all parties was filed 12/04/13.  1. Need Notice of Hearing.  2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Visitation for: - Moises Agundez (paternal grandfather) - Maternal grandfather
		BLANCA DE RAMIREZ, maternal grandmother, was appointed guardian on 01/12/12 – Personally served on 11/14/13	
Cont. from 120313		Father: EDGAR AGUNDEZ – currently incarcerated; served on 11/14/13 Mother: KARLA ALVAREZ – currently incarcerated; served on 11/20/13	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	<p>Paternal grandfather: MOISES AGUNDEZ</p> <p>Maternal grandfather: UNKNOWN</p> <p><b>Petitioner states</b> that she has had a lot of trouble getting her court ordered visitation. Petitioner alleges that the guardian cancels the visits frequently without reason. The Court has previously ordered that the guardian is not to miss visits under any circumstances, but she has violated this order. Petitioner also wants permission to take Kaylie to visit her father in prison before he is transferred out of state. Petitioner requests:</p> <ol style="list-style-type: none"> <li>1. Consent to take Kaylie to visit her dad in prison;</li> <li>2. For the guardian to respect the Court's order and give Petitioner all of her visits;</li> <li>3. Require the guardian to prove the validity of the reason visits are cancelled; and</li> <li>4. Require the guardian to keep her phone number current with the Court and mediation center.</li> </ol> <p><b>Declaration filed 12/02/13 by Petitioner Angelica Agundez</b> states: that they participated in mediation on 11/13/13; the guardian left after one hour and continues to violate the court order and not allow Kaylie to visit her father with Michelle (step-mother). Even though Petitioner has demonstrated numerous times that Michelle and Kaylie are not strangers.</p>	
			<b>Reviewed by:</b> JF <b>Reviewed on:</b> 01/30/14 <b>Updates:</b> <b>Recommendation:</b> File 13 – Alvarez

[illegible]

<b>Age: 7</b>		<b><u>TEMPORARY EXPIRES 02/04/2014</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>CONNIE JIMENEZ</b> , maternal aunt is petitioner.			
		Father: <b>ANDREW BROWN</b> – <i>Personally served on 12/06/13</i>			
<b>Cont. from</b>		Mother: <b>CYNTHIA VALDEZ</b> – <i>Consent &amp; Waiver of Notice filed 12/11/13</i>			
	<b>Aff.Sub.Wit.</b>		Paternal Grandfather: CORNELIUS POLK - Deceased		
✓	<b>Verified</b>		Paternal Grandmother: DIANE POLK - Deceased		
	<b>Inventory</b>				
	<b>PTC</b>				
	<b>Not.Cred.</b>				
✓	<b>Notice of Hrg</b>				
✓	<b>Aff.Mail</b>	w/			
	<b>Aff.Pub.</b>		Maternal Grandfather: ROBERT VALDEZ – Served by mail on 12/06/13		
	<b>Sp.Ntc.</b>		Maternal Grandmother: JANET MARIE JIMENEZ – Served by mail on 12/06/13		
✓	<b>Pers.Serv.</b>	w/			
✓	<b>Conf. Screen</b>		<b>Petitioner states:</b> the mother, Cynthia Valdez, is dying of terminal Stage 4 cancer; her death is imminent. Petitioner states that the child's father, Andrew Brown, is in his life and is very loving, however petitioner is seeking to share legally with the father in order to be helpful to him after the mother's death. She states that the father is a good care taker and she is not seeking to take custody of the child from the father but she wants to be a co-parent, she wants to be a mother figure to the child.		
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
✓	<b>CI Report</b>				
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
✓	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				
			<b>Court Investigator Charlotte Bien filed a report on 01/24/14.</b>		
				<b>Reviewed by:</b> JF	
				<b>Reviewed on:</b> 01/30/14	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 15 – Brown</b>	